

State of New Hampshire.

Constitutional and Statutory
Provisions Relating
to Elections.

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The Direct Primary Law

CHAPTER 153, LAWS OF 1909.

AN ACT to Provide for the Nomination of Party Candidates by Direct Primary.

SECTION 1. The words and phrases of this act shall, unless the same be inconsistent with the context, be construed as follows:

(1) The word "primary," the primary election provided for by this act;

(2) The word "election," the general election held in November, as distinguished from the primary election;

(3) The word "party," any political organization which at the preceding election polled at least three per centum of the entire vote of the state given in for governor;

(4) The word "supervisors," all officers performing the duties of supervisors.

SECT. 2. (1) This act shall not apply to special elections to fill vacancies, nor to city, town, and school district elections except as to elections of moderator and supervisors of the checklist, who shall be elected at each biennial election.

(2) Moderators and other election officers, if any, chosen at elections other than the regular biennial election, shall be considered regular election officers within the meaning of this act, for the biennial election of 1910.

SECT. 3. Hereafter all candidates for elective offices shall be nominated:

(1) By a primary held in accordance with this act, or

(2) By nomination papers signed and filed as provided by existing statutes.

SECT. 4. (1) A primary shall be held at the regular polling places in each town and ward in the state on the first Tuesday of September, 1910, and biennially thereafter, for the nomination of all candidates to be voted for at the November election, except presidential electors.

(2) At each such primary there shall be elected in each town and ward, from the legal voters in such town or ward, as many state delegates as such town or ward is entitled to elect representatives to the general court at the election next following such primary.

(3) Primaries shall be conducted by the regular election officers, as elections are conducted under existing laws.

SECT. 5. (1) At least sixty days before the time of holding any primary the secretary of state shall prepare and transmit to each town and ward clerk in the state a notice in writing designating the offices for which candidates are to be chosen, and delegates to the state convention are to be elected.

(2) Each town and ward clerk shall, within ten days after the receipt of such notice, cause notice of such primary to be posted in three public places in his town or ward; such notice shall state the time when, and place where, the primary will be held in each town and ward, together with the offices for which candidates are to be nominated and delegates to be elected. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, and the fees required to be paid at the time of filing such papers.

SECT. 6. (1) The name of no candidate shall be printed upon an official ballot used at any primary unless not more than sixty days

prior to such primary a declaration of candidacy shall have been filed by such candidate and the filing fee required by section 7 of this act shall have been paid.

Declarations of candidacy shall be in the following form: I, —, declare that I reside in Ward —, in the city (or town) of —, county of —, state of New Hampshire, and am a qualified voter therein; that I am a member of the — party; that I am a candidate for nomination for the office of —, (or for delegate to the state convention) to be made at the primary election to be held on the — day of —; and I hereby request that my name be printed on the official primary ballot of said — party as a candidate for such nomination or election. I further declare that if nominated as a candidate for said office or if elected as such delegate I will not withdraw, and that if elected I will qualify and assume the duties of said office.

(2) Declarations of candidacy shall be filed as follows:

(a) For governor, or any other officer to be voted for throughout the state, members of congress, councilors, state senators, and for county officers, with the secretary of state.

(b) For members of the house of representatives, moderator, supervisors of the check-list, and delegates to state conventions, with the clerk of the city or town within which such officers are to be voted for.

(3) Each town or city clerk shall forward each declaration of candidacy filed with him, within two days from the date of filing, to the secretary of state. The fees paid to a town or city clerk shall be paid to the treasurer of each town or city.

(4) Declarations of candidacy filed with the secretary of state shall be filed eighteen days

before the primary, and all others twenty days before the primary.

SECT. 7. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees:

(1) For governor, one hundred dollars;

(2) For any state officer, other than governor, to be voted for throughout the state, fifty dollars;

(3) For representative in congress, fifty dollars;

(4) For councilor, twenty-five dollars;

(5) For stato senator, ten dollars;

(6) For county officer, five dollars;

(7) For member of the House of Representatives, two dollars;

(8) For supervisor of check-list, ono dollar;

(9) For moderator, one dollar.

SECT. 8. At least ten days before any primary is to be held, an official ballot for each political party shall be prepared by the secretary of state, and shall be as nearly as is practicable in the same form as ballots now used at elections. Below the name of each office shall be printed in small but easily legible letters the words "vote for one," "vote for two," "vote for three," or a spelled number designating how many persons are to be voted for. Whenever there are two or more candidates for nomination to the same office who are to be voted for in more than one town or ward, the names of such candidates shall be so alternated on the ballots used that each shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which it belongs. Names of rival candidates for nomination to the same office who are to be voted for in only one town or ward shall be arranged in the

alphabetical order of their surnames. Following the names printed on the ballot after the name of each office to be filled shall be as many blank lines as there are persons to be elected to that office. The ballots of all parties shall be upon colored paper, but the ballots of no two parties shall be upon paper of the same, or closely similar, color, and each party ballot shall be so designated by the name of such party printed in prominent type on the back of said ballot.

SECT. 9. (1) Not later than six days before a primary, the secretary of state shall furnish to the clerk of each town and ward ballots for each political party as follows: For each fifty and fraction of fifty voters of each party, as shown by the vote for governor in the town or ward at the last preceding election, he shall furnish seventy-five ballots of said party, except that when any party has cast less than ten votes in a town or ward, he shall only be obliged to furnish twenty-five ballots.

(2) He shall in addition furnish each such clerk with ten sample ballots of each political party, printed on white paper.

(3) Each clerk shall within one day from the time when he shall receive such sample ballots post three of each political party in three public places in his town or ward, and shall retain the others until the date of the primary, when he shall post the same in prominent positions in and about the polling place.

(4) The secretary of state shall also, upon request, furnish a reasonable number of sample ballots printed on white paper to each person whose name appears upon the ballot as a candidate.

SECT. 10. (1) The supervisors of the check-list shall prepare and post the check-list of the legal voters in their respective towns and

wards and hold sessions for the correction of the same, and give notice of such sessions before all primaries held under this act in the same manner as they are required to do before elections under existing laws.

(2) No person shall be entitled to vote at a primary unless his name is upon the check-list of voters in the town or ward wherein he offers to vote.

(3) Any person offering to vote at a primary shall at the time of announcing his name also announce the name of the party to which he belongs. If his name is found upon the check-list, and if his party membership has not been before registered, it shall then be registered, and he shall be allowed to vote the ballot of his party, provided, however, that if he is challenged, he shall not be allowed to register as a member of such party, or to vote the ballot of said party unless he makes oath or affirmation that he affiliates with and generally supports the candidates of the party with which he offers to vote. If his party membership has been before registered, he shall be allowed to vote only the ballot of the party with which he is registered.

(4) After the primary the town or ward clerk shall deliver to the supervisors the check-list with the registration of the party membership of voters thereon. Before delivery, however, the moderator and clerk shall certify thereon, under their hands, that the list is the one used at the primary, and contains a correct registration of the voters as delivered into their hands or made by them at such primary. Such list shall be preserved by the supervisors, and shall be used by them in making up the check-list to be posted before the next primary, as provided in paragraph 6 of this section.

(5) Any person whose party membership has been registered may change such regis-

tration by appearing in person before the supervisors of the check-list for his town or ward not less than ninety days before any primary, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register. He may also change such registration at any primary, upon making oath or affirmation to the same effect, if challenged, but he shall not be permitted in such case to vote the ballot of any party at such primary.

(6) After the first primary held under this act, the supervisors of the check-list shall be in session for the alteration of the registration of party members, and for making additions to such registration before each primary. The session shall be on two days at least and shall not be less than ninety nor more than one hundred days prior to such primary. They shall post copies of the check-list showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, in three public places in such town or ward, at least ten days prior to such session, and notice of the date, hour, and place of the daily sessions to revise such registration shall be given upon such check-lists.

After such session, the supervisors of the check-list shall prepare a corrected check-list, showing the registration of party members as corrected by them, and such corrected check-list, with such names as may be regularly added thereto, as provided in sections 6 and 7 of chapter 32 of the Public Statutes, shall be used at the primary. Whenever names are added to the check-list, as provided in sections 6 and 7 of chapter 32 of the Public Statutes, the supervisors shall register the party membership of the voter, if he desires such member-

ship registered; but if such voter has already been registered in any town or ward in this state as a member of any party, he shall not be registered as a member of a different party within ninety days before any primary.

(7) The party membership of each voter may be registered by writing in ink after the name of such voter the first three letters of the name of the party with which he registers.

SECT. 11. (1) Votes cast for the same person on the ballots of different parties at any primary shall not be added together, but shall only count in favor of the person as the candidate of each party on whose ballot his name appears.

(2) After the count is completed it shall be announced by the moderator, and the clerk shall, in the presence of the other election officers, fill into blanks, provided him for that purpose by the secretary of state, complete returns of all the votes east for the different candidates of each party. These blanks shall be prepared in duplicate, and shall be signed by the clerk. One copy shall be preserved by the clerk and shall be open to the inspection of any candidate, or of his agent authorized in writing. The other copy shall be mailed on the day of the primary, or on the day following, by the clerk to the secretary of state.

SECT. 12. (1) The second day after the primary, or as soon thereafter as possible, the secretary of state shall canvass the returns from all the towns and wards in the state, and upon the completion of such canvass shall declare what candidates have received the greatest number of votes for the various offices in the various parties.

(2) After the completion of the canvass of returns, the secretary of state shall publish in some paper of general circulation the names

of the persons found to have been chosen as candidates for the various offices by the various parties, and shall cause a copy of such paper to be mailed to each person whose name appeared upon any party ballot.

SECT. 13. (1) Persons voted for, at a primary, under this act, who receive a plurality of all the votes cast by a party, shall be candidates of that party for the office designated in the ballot, or the delegates of such party from their respective towns and wards.

(2) In case of a tie vote, the tie shall be determined by lot by the secretary of state in the presence of the candidates who are tied, if, upon notice from the secretary of state, they elect to be present.

(3) Vacancies upon any party ticket occurring after the holding of any primary shall be filled by the party committee of the state, county, town or ward, as the case may require, and such committee shall notify the secretary of state of the appointment made, and the names of persons so appointed shall be placed upon the official election ballot.

SECT. 14. (1) If any person who was voted for upon the ballot of any party is not, according to the count first made by the secretary of state, chosen as the candidate of such party, and desires a recount of the ballots cast in the primary, he shall apply in writing to the secretary of state for such recount within ten days after the date of the advertisement of the result of the primary, provided for in paragraph 2 of section 12 of this act.

(2) The secretary of state shall fix a time for such recount not earlier than ten days after the receipt of the application, and shall notify the opposing candidates thereof, and as soon after the expiration of such ten days as circumstances will permit, such recount shall be

held and conducted as recounts of votes cast at elections are now conducted.

(3) Upon the date set for the recount, the ballots shall be counted by the secretary of state and such assistants as he may require. The various candidates, however, and their counsel, shall have the right to inspect the ballots and participate in such recount under such suitable rules as the secretary of state may adopt.

(4) No candidate, however, shall be entitled to a recount unless he shall pay to the secretary of state at the time of filing his application fees as follows:

(a) If a candidate for governor, or other officer voted for throughout the state, one hundred dollars;

(b) If a candidate for member of congress, fifty dollars;

(c) If a candidate for councilor, twenty-five dollars;

(d) If a candidate for a county office, ten dollars;

(e) If a candidate for state senator, ten dollars;

(f) If a candidate for member of the house of representatives, five-dollars;

(g) If a candidate for supervisor of the check-list, five dollars;

(h) If a candidate for moderator, five dollars;

(5) If a recount shall show that some other person than the one declared nominated upon the canvass of the returns from the clerks of towns and wards has the greatest number of votes cast at the primary, such person shall be declared nominated and shall be the candidate of the party for the office in question instead of the person so first declared, and his name shall be placed upon the official ballot at the following election.

(6) If the recount shall show that the person who applied for the recount was chosen as the candidate of his party, the secretary of state shall, within ten days of such recount, return to him the fee paid at the time of filing the application for a recount.

SECT. 15. Any town or city clerk, with whom any declaration of candidacy has been filed, who shall fail to forward the same to the secretary of state within two days of the date of such filing shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment not more than thirty days, or by both fine and imprisonment.

SECT. 16. The provisions of the statutes now in force in reference to the holding of elections, the payment of election officers, the filling of vacancies, the solicitations of voters at the polls, the challenging of voters, the manner of conducting elections, of counting and preserving the ballots, and making return thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

SECT. 17. (1) It shall be the duty of the secretary of state to prepare all forms necessary to carry out the intent of this act and to furnish the same in reasonable quantities to the proper officers. It shall also be his duty to furnish full directions to the clerks of towns and wards, when he sends them the notice provided for in section 5 of this act, or when he furnishes them ballots, as provided in section 9 of this act, as to the posting of notices, holding of primaries, and making return thereof.

(2) The secretary of state shall have author-

ity to employ such additional clerical assistance as may be required during the canvass of votes, or in carrying out the provisions of this act; and all expense necessary shall be paid out of the treasury of the state.

SECT. 18. All sums paid to the secretary of state under the terms of section 6 of this act and all sums paid to him under the terms of paragraph 4 of section 14 shall be paid by him into the state treasury.

SECT. 19. (1) Not earlier than the third Tuesday of September, following any primary, and not later than the first Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, councilors, state senators, representatives, and state delegates elected shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors, and effecting an organization for the following two years.

(2) The party nominees and state delegates in said state convention from each county shall elect a county committee for their party, to consist of such number of persons as the state convention shall by vote apportion to each county. The members of the several county committees thus chosen shall constitute the state committee of the party. The registered party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

(3) Upon application of the chairman of the state committee of any political party, the secretary of state shall deliver to him a duly certified roll of the nominees of his party for the several offices named in the first paragraph of this section. None but such nominees

and state delegates shall take part in such state convention.

SECT. 20. This statute shall be liberally construed so that the real will of the voters shall not be defeated, and so that the voters of any town or ward shall not be deprived of their right to nominate or participate in the nomination of candidates for office by any informality or failure to comply with all the provisions of law in respect to giving notice of or conducting the primary or certifying the results thereof.

SECT. 21. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

(Approved April 9, 1909.)

THE BALLOT LAW.

LAWS OF 1897, CHAPTER 78.

AN ACT in Amendment of the Public Statutes, Relating to the Manner of Conducting Caucuses and Elections.

SECTION 1. The provisions of this act shall apply to all elections held for the choice of electors of president and vice-president of the United States, representatives in congress and to the general court, governor, councilors, senators, county officers, and all ward and town officers chosen at biennial elections, and to any other election of national or state officers.

The word "caucus" as employed in this act shall mean a meeting of the legal voters of any political party assembled for the purpose of choosing delegates or for the nomination of candidates for office. The word "convention" shall mean an assembly of delegates chosen at caucuses in accordance with the usage of any political party.

SECT. 2. Any caucus of legal voters representing a political party which at the biennial

election next preceding polled at least three per centum of the entire vote of the state given in for governor, may choose delegates to conventions and may nominate candidates for representative to the general court and candidates for such town and ward officers as are chosen at biennial elections.

SECT. 3. The nomination of a candidate in an electoral district containing more than one town or more than one ward of a city may be made by a convention, except as otherwise provided for the nomination of a candidate for mayor or other city officer.

SECT. 4. Certificates of nominations made in accordance with the provisions of sections 2 and 3 of this act, shall contain the name and residence of each candidate, the office for which he is nominated, and the political principles or party he represents, and shall be signed by the chairman and clerk of the caucus or convention, and when practicable such certificates of nomination shall be signed by each candidate, but the absence of the signature of a candidate shall not invalidate a certificate of nomination. Any caucus or convention wherein nominations are made of candidates to be voted for by the voters of the entire state shall be held, at least, thirty-five days prior to the day of election; wherein nominations are made of candidates to be voted for by the voters of cities and wards, at least, twenty-one days prior to the day of election, and in all other cases, at least twenty-eight days prior to the day of election.

SECT. 5. The nomination of a candidate may also be made by petition. Such petitions shall be styled nomination papers. Such nomination papers shall contain all the facts required in certificates of nominations, and shall be signed by such persons only as are qualified to vote at the election of the candi-

dates named in the petition, and no voter shall sign more than one nomination paper for each officer to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Such nomination papers shall be submitted to a majority of the supervisors of the check-list of the town or ward in which the signers reside, and they shall certify what number of the signatures are the names of legal voters in said town or ward.

It shall require the names of one thousand legal voters to nominate by petition a candidate for governor or other candidate to be elected by the voters of the entire state, five hundred to nominate a candidate for representative in congress, two hundred and fifty to nominate a candidate for councilor, senator, or county or city officer, and fifty to nominate a candidate elected by the voters of a town or ward of a city.

SECT. 6. Certificates of nomination and nomination papers shall be filed with the secretary of state as follows: Thirty days prior to the day of election in case of candidates to be voted for by the voters of the entire state, sixteen days in case of nominations made by wards and cities, and twenty-three days in case of all other nominations. The number of days herein given shall include Sundays, and shall end on the day before election at six o'clock in the afternoon. *Provided, however,* that in case of the death or resignation of a candidate whose nomination has been duly filed with the secretary of state, the vacancy may be filled in the same manner as the original nomination was made, or by an executive committee representing the political party making the original nomination. The name so supplied for the vacancy shall be placed on the ballot instead of the name of the original candidate if the ballots have not been printed, or, if printed, new

ballots containing the new nomination may be printed, if practicable. Proof of the resignation or death of a candidate shall be filed with such new nomination.

SECT. 7. Candidates for mayor of a city and other candidates voted for by the voters of the entire city, may be nominated by any party recognized by section 2 of this act, in a general city caucus, or by a convention of delegates from the several wards or by a caucus held by each ward. Candidates for officers elected by the several wards may be nominated by ward caucuses. *Provided, however,* that any party qualified to hold conventions may in caucus or convention or by its recognized political committee, make regulations concerning the manner of holding such caucuses and conventions.

SECT. 8. Towns, in the election of town officers chosen by ballot, and cities holding their election on a day other than the day of the biennial state election, in the choice of city and ward officers, may adopt the provisions of this act so far as they are applicable to town and city elections. In such cases the ballots shall be prepared by the town or city clerk, and printed at the expense of such town or city, and the time for filing certificates of nomination and nomination papers shall be at least six days prior to the day of election. Towns and cities having voted to adopt such provisions may rescind the vote by which they were adopted.

SECT. 9. Certificates of nomination made in accordance with the provisions of sections 2, 3, and 4 of this act, and nomination papers made in accordance with the provisions of section 5 of this act, shall be regarded as valid and shall be received by the secretary of state, unless objection thereto is made in writing within three days succeeding six o'clock in the

afternoon of the last day for the filing of such nominations.

On or before the first day of September preceding a biennial election, the governor, with the advice of the council, shall appoint two persons from the two different political parties casting the largest number of votes at the preceding biennial election, who, with the attorney-general, shall constitute a board of ballot-law commissioners. They shall meet at the office of the secretary of state on the Tuesday next succeeding the last day for filing nominations, and shall continue in session from day to day until all questions submitted have been heard and determined. They shall consider and decide all objections to the nomination of a candidate and all questions arising in case of nominations, and their decision shall be final. They shall receive such compensation for their services as shall be approved by the governor and the council.

SECT. 10. Ballots for use in biennial elections and in all other elections for national and state officers shall be prepared by the secretary of state, and printed and delivered at the expense of the state. Every ballot shall contain the name and residence of each candidate who has been nominated in accordance with the preceding sections, and shall contain no other name except party appellation and names of candidates for president and vice-president of the United States. In case a nomination is made by nomination papers, the words "nom. papers" shall be added to the party appellation.

The names of candidates nominated by any party or by petition shall be arranged upon the ballot in perpendicular columns and the candidates of each party shall be printed in a separate column. *Provided, however,* that in case only a part of a full list of candidates is

nominated under a political designation, two or more such lists may be arranged whenever practicable in the same column.

Immediately above the name of each candidate shall be printed the political designation of the office for which he is nominated, as "For Governor," "For Senator," and the like, and at the right of the name of each candidate and on the same line there shall be a square, except that in the case of electors of president and vice-president of the United States one square shall suffice for each group of electors.

In the last or right-hand column of each ballot there shall be no circle or device, but there shall be printed in the regular order the political designation of each office, as "For Governor," "For Senator," and the like, and beneath each designation there shall be left as many blank lines as there are persons to be elected to such office. Above each column or list of candidates shall be printed in large plain letters the name of the political party by which the candidates in such column were nominated.

Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such question shall be printed upon the ballots after, or beneath, the lists of candidates. The ballots shall be so printed as to give to each voter an opportunity to designate by a cross-mark (X) in a square his answer to the question submitted.

The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper, and there shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type, and the ballots for each town or ward shall be so folded that their width and length when folded shall be uniform. Upon the back of each ballot shall be printed, "Official ballot for," followed by the

name of the town or ward for which the ballot is prepared, the date of the election, and a facsimile of the signature of the officer who prepares the ballot.

At the head of each column shall be placed an emblem or device designating or distinguishing the political party assigned to that column.

The device or emblem shall be selected by the secretary of state or other officer preparing the ballots for each political party represented upon the tickets, shall be different for each of such parties, and may be the representation of a star, an animal, an anchor, or any other appropriate symbol, but neither the coat of arms nor seal of any state, nor of the United States, the national flag, nor any religious emblem or symbol, nor the portrait of any person, nor a representation of a coin, or of the currency of the United States shall be chosen as a distinguishing emblem.

In a suitable place upon the back of all regular ballots used at biennial elections shall be printed the following certificate which shall be signed by the election officer assisting any voter in marking his ballot: I certify upon honor that I have assisted the voter in marking this ballot by his request.

(Signed) _____, Election Officer.

SECT. 11. There shall be furnished each town and ward at each election conducted under the provisions of this act, not less than sixty ballots for each fifty and fraction of fifty voters therein. The officer who prepares the ballots shall cause to be printed for each town and ward fifteen ballots, printed on tinted paper and without the facsimile endorsement, which shall be known as specimen ballots. There shall be forwarded as soon as printed to the clerk of the town or ward, who shall immediately post five copies in the most public

places in the town or ward. On the morning of the day of election he shall cause ten copies to be posted outside of the guard-rail in the room in which the election is held. The officer who prepares the ballots shall also prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, the manner of marking them, the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and shall cause the same to be printed in clear type, on separate cards, to be called cards of instructions; and he shall furnish a suitable number of the same to each town and ward.

SECT. 12. The secretary of state shall send in a sealed package the ballots printed by him to the several city and town clerks, so as to be received by them twelve hours, at least, prior to the day of election. The same shall be marked on the outside, clearly designating the town or ward for which they are intended and the number of ballots of each kind inclosed; and the city and town clerks shall, on delivery to them of such package, return receipts therefor to the secretary. The secretary shall keep a record of the time when and the manner in which the several packages were forwarded.

SECT. 13. The several city and town clerks shall deliver to the election officers, before the opening of the polls on the day of any election under this chapter, the sealed package aforesaid. At the opening of the polls in each town or ward, the seal of the package shall be publicly broken by the ward or town clerk, and the ballots shall be delivered by him to the ballot clerks hereinafter provided for. The cards of instruction shall be immediately posted at or in each marking shelf or compartment provided in accordance with the provisions of this chapter for the marking of the ballots, and not less than three such cards shall be immediately

posted in or about the polling room, outside the guard-rails. In case the ballots to be furnished to any town or ward, in accordance with the provisions of this chapter, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the city or town clerk, as the case may be, to cause other ballots to be prepared substantially, as far as may be, in the form of the ballots so wanting; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

SECT. 14. The mayor and board of aldermen of each city, and the selectmen of each town, at some time between the first and tenth day of October preceding the biennial election, shall appoint as additional election officers, to act with the clerk, moderator, and the selectmen at each polling place, four inspectors. Such officers shall be qualified voters at the said polling place, and shall be appointed from the two political parties which cast the largest number of votes for governor in the state at the biennial election next preceding their appointment, and two of the inspectors shall be of a different political faith from that of the clerk and the other inspectors. The aforesaid appointments shall be made from nominations of caucuses of the two parties above named, holden by the ward or town, provided such nominations were made on or before the first day of October. If any appointment shall not be made within the specified time, then, on the application of six qualified voters, a justice of the supreme court shall appoint. Each of said

officers shall be sworn to the faithful performance of his duties, and shall hold office for two years from the first day of November in the year in which he is appointed, and until a successor is appointed and qualified.

In case of any vacancy, or the absence of any of these officers so appointed from any polling place at any election held under this chapter, the selectmen shall appoint some person qualified as aforesaid to fill said office, and the said appointment shall be made from nominations of aforesaid caucuses, or, in the absence of such nominations, then from similar nominations of the ward or town executive committee of the two parties above named, provided such nominations are made.

Two of the inspectors, one from each of the two political parties above named, shall be detailed by the moderator at the opening of the polls to act as ballot clerks. They shall have the charge of the ballots therein, and shall furnish them to the voters in the manner herein set forth. A duplicate check-list of the qualified voters shall be prepared for the use of the ballot clerk, and all the provisions of law relative to the preparation, furnishing, and preservation of check-lists shall apply to such duplicate list. The other two inspectors shall be detailed by the moderator to assist the illiterate and physically disabled in the marking of their ballots, as provided in section 19 of this act.

SECT. 15. The selectmen in the different wards and towns shall prepare the polling places, or booths therein, and shall cause the same to be suitably provided with marking shelves or compartments at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and a guard-rail shall be so constructed and placed that only

such persons as are inside said rail can approach within six feet of the ballot-box and of such marking shelves or compartments, or within four feet of the ballots in possession of the ballot clerks. The arrangement shall be such that neither the ballot-box nor the marking shelves or compartments shall be hidden from view of those just outside the said guard-rail. The number of such marking shelves or compartments shall not be less than one for every seventy-five voters qualified to vote at such polling place, and there shall not in any case be less than four of these marking shelves or compartments at any polling place. No persons other than the election officers and the voters, admitted as hereinafter provided, shall be permitted within said rail except by authority of the election officers, and then only for the purpose of keeping order and enforcing the law. Each marking shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots. Cities and towns shall provide suitable ballot-boxes, which shall be used at all elections therein. At the opening of the polls, and before any election under this chapter, the ballot-box shall be publicly opened and shown to be empty, and the election officers shall ascertain that fact by a personal examination of the ballot-box.

SECT. 16. Any person desiring to vote shall, before being admitted within the guard-rail, give his name to one of the ballot clerks, who shall thereupon likewise announce the same, and if such name is found upon the check-list by said ballot clerk, he shall put a check mark against it and again repeat the said name. The voter, unless challenged, shall then be allowed to enter the space inclosed by the guard-rail, as above provided. If his vote is challenged, he must not enter until he makes

the affidavit now required by law. After he enters the inclosed space, the ballot clerk shall give him one ballot only. Besides the election officers, no more voters than the number of marking shelves or compartments provided shall be allowed in said inclosed space at one time; but this number shall not include any voter who is engaged in the act of depositing his ballot in the ballot-box as herein provided. If any voter spoils a ballot, he may successively receive others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately marked "cancelled," by the ballot clerk, and, together with those not distributed to the voters, shall be preserved.

SECT. 17. On receipt of his ballot, the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting shelves or compartments, and shall prepare his ballot by marking in the appropriate square a cross (X) opposite and at the right of the name of the candidate of his choice for each office to be filled, except in case of electors of president and vice-president, one such mark being made opposite the group of his choice in the square provided in the margin for that purpose, or by filling in the name of the candidate of his choice in the blank space provided therefor, and making a cross (X) in the square opposite thereto; and, in case of a question submitted to the vote of the people, by marking in the appropriate square a cross (X) against the answer which he desires to give. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall immediately give his name to the ward or town clerk, who shall likewise repeat the same and place a

check mark against it on his check-list. The voter shall forthwith present his ballot with the official endorsement uppermost to the moderator, who shall then deposit the same in the ballot-box. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes, in case all of such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter, not an election officer, whose name has been checked on the list by the ballot clerks, shall be allowed to re-enter said enclosed space during said election unless another balloting is held. It shall be the duty of the moderator to secure the observance of the provisions of this section and of other sections relative to the duties of election officers.

SECT. 18. If a voter votes for more names for any one office than there are persons to be elected to such office, or if, for any reason, a disagreement occurs among those present at the counting of the ballots, as provided in this act, as to the voter's choice for any office to be filled, and a majority of those so present shall decide that it is impossible to determine the voter's choice for that office, his ballot shall be regarded as defective therein, and shall not be counted with reference to that office.

No ballot without the official indorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. All ballots not counted in whole or in part, on account of defects, shall be marked "defective" on the back thereof by the moderator, and shall

be sealed with the other ballots cast and returned to the city or town clerks.

Immediately after the polls are closed the ballots shall be examined, and the votes for the several candidates and on the questions submitted shall be counted by the moderator, in the presence of the town clerk, the selectmen, and the other election officers herein provided.

The counting shall be public, but within the guard-rail, and shall not be adjourned nor postponed until it shall have been completed, and the whole number of ballots cast for each person and on each question submitted to the voters shall have been publicly announced. While being counted, no ballot shall be placed nearer than four feet of the guard-rail which forms the inclosure in which the counting is done, during which time only the aforesaid officers shall be allowed within said inclosure.

The check-lists and all ballots cast shall be preserved, according to existing laws for the preservation of ballots.

SECT. 19. Any voter who declares to the moderator, under oath, that he cannot read, or that because of his blindness or other physical disability he is unable to mark his ballot, shall, upon his choice and request, receive the assistance of one or both of the election officers detailed for that purpose by the moderator; and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same.

SECT. 20. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, with the intention of letting it be known how he is about to vote, or place a distinguishing mark upon his ballot, or shall write any name as the candidate of his choice, with the intention of placing thereby a

distinguishing mark upon his ballot, or who in voting shall use or attempt to use any ballot not given him by the ballot clerk, in manner hereinbefore provided, or who shall make a false oath as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when such voter is inside the inclosed space, or who shall endeavor to induce any voter, before voting, to show how he marks or has marked his ballot, or otherwise violate any provision of this act, shall be punished by fine of not more than five hundred dollars or be imprisoned not exceeding six months; and the election officers shall see that the offender is duly brought before the proper court for trial.

SECT. 21. Any person who shall falsely make or file or willfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or sign any such certificate or paper contrary to the provisions of this act, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official indorsement on any ballot, or willfully destroy, deface, mark or alter any ballot, or shall furnish to any voter a ballot with the intent that such voter shall use the same in voting instead of the ballot given or to be given him by the ballot clerk, as herein provided, or shall take or remove any ballot outside of the inclosure provided for voting before the close of the polls, or willfully delay the delivery of any ballots, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the jail for not more than six months, or by both such fine and imprisonment.

SECT. 22. Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

SECT. 23. It shall be a misdemeanor for any person engaged in preparing or printing the official ballot to purloin or give away, or allow to be removed any of such ballots. A voter shall not allow his ballot to be seen or examined by any person, except as prescribed in this act, nor shall any person interfere with any voter when such voter is within the inclosed space, or attempt in any manner to influence or change his vote. No person shall destroy any certificate of nomination or nomination paper, or sign any such certificate or nomination paper, or sign the name of any other person to such certificate or nomination paper, except as provided in this act. Whoever willfully violates any of the provisions of this section shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months. Any and all fines imposed by this section shall be paid to the county in which the person is prosecuted.

Section 35 of chapter 49, Laws of 1891. A plurality of votes shall elect representatives to the general court, and all city, ward and town officers elected under the provisions of this act.

SECT. 24. Chapter 33 of the Public Statutes, and all acts and parts of acts inconsistent with this act, are hereby repealed.

MISCELLANEOUS PROVISIONS.

CHAPTER 31—RIGHTS AND QUALIFICATIONS OF VOTERS.

SECTION 1. Every male inhabitant of each town, being a native or naturalized citizen of the United States, of the age of twenty-one years and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at any meeting, to vote in the town in which he dwells and has his home.

SECT. 2. No person shall be considered a pauper within the meaning of the preceding section unless he has been assisted as such within ninety days prior to the meeting in which he claims the right to vote.

SECT. 3. No soldier or sailor who served in the late Rebellion and has been honorably discharged shall be deprived of his right to vote by reason of having received assistance from any town or county.

SECT. 4. No person shall be deprived of his right to vote by reason of having been excused from paying taxes in any town at his own request, if he shall, before he offers to vote, tender payment of all taxes assessed against him during the year prior to his offer to vote, to the moderator, to the collector of taxes, or to one of the selectmen, and, at the time he offers to vote, present evidence of such tender.

SECT. 5. No person shall be deprived of his right to vote by reason of having received assistance from any town or county, for himself or family, within ninety days, if he shall tender payment as aforesaid of all reasonable expenses which such town or county has in-

curred for such assistance within said time, but, upon making such tender, shall have his name placed upon the check-list, and his vote shall be received.

SECT. 6. Any money received under the provisions of the two preceding sections shall be paid to the town or county entitled thereto by the person receiving the same.

SECT. 7. No alien not naturalized shall be entitled to vote at any town meeting.

SECT. 8. No person shall be considered as dwelling or having his home in any town, for the purpose of voting or being voted for at any meeting unless he shall have resided within such town six months next preceding the day of meeting; *provided, however*, that any legal voter moving from one ward to another ward in the same city, or from one city or town to another city or town, within six months next prior to any election, shall not be deprived of the right of voting at such election, in the ward, city, or town from which he removed, if prior to such removal he shall file a declaration in writing with the clerk of the city or town from which he is to remove, that he intends to vote at such election in the ward and city or town from which he removed.

SECT. 9. A residence acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom, with the intention of returning thereto as his home.

SECT. 10. Any person who shall exercise the privilege of voting at an election in any town within this or any other state shall be deemed by that act to have elected such town to be his legal residence for the purpose of voting, and shall thereafter be disqualified to vote in any other town until he shall have gained a new residence as hereinbefore provided.

CHAPTER 32—SUPERVISORS AND THE CHECK-LIST.

SECTION 1. A board of supervisors of the check-list, consisting of three legal voters in each town, shall be chosen at each biennial election; but no person shall be supervisor and selectman at the same time.

SECT. 2. They shall be sworn before entering upon the discharge of their duties.

SECT. 3. They shall hold office for two years and until others are chosen and qualified in their stead.

SECT. 4. Vacancies in the board may be filled by the remaining members; if not filled by them seasonably for the performance of the duties of the office, or if the whole board shall be vacant, the selectmen shall make the appointments. In all cases appointments shall be made in writing and be recorded, and the appointees shall hold office for the unexpired term.

SECT. 5. The board shall make and post, at two or more of the most public places in town, a complete alphabetical list of all the legal voters in the town, fourteen days before the day of any election at which such list is to be used.

(1893, Ch. 80, Sect. 1.) Supervisors of the check-list shall prepare and post check-lists for use at the annual town meetings in March, in the same manner as they were required to do when moderators were chosen at such annual town meetings; and all provisions of the Public Statutes applicable to the preparation and posting of check-lists for biennial elections shall apply to annual town meetings.

SECT. 6. They shall be in session for the correction of the check-list, at some suitable

place in town, two days at least, before the day of the election, one of which shall be the day next preceding that of election and upon which all hearings shall be closed. If the town has more than six hundred legal voters, the first session shall be upon the Tuesday next preceding the day of election, and shall be adjourned from day to day until all claims have been heard and decided. Notice of the day, hour, and place of each session shall be given upon the posted check-lists.

SECT. 7. The supervisors shall hear all applications for a correction of the check-list, and the evidence submitted thereon and shall correct it according to their best knowledge, so that it shall contain the names of those persons only who are legal voters in the town. They may administer oaths to persons who appear to testify before them. The qualifications of an applicant shall be determined by the supervisors, who shall examine him under oath relative thereto, and shall, unless he is prevented by physical disability, or unless he had the right to vote, or was sixty years of age or upwards, on the first day of January in the year nineteen hundred and four, require him to write and to read in such manner as to show that he is not being assisted in so doing and is not reciting from memory. Supervisors shall be provided by the secretary of state with a copy of the constitution of the state printed on uniform pasteboard slips, each containing five lines of the constitution, printed in double small pica type and suitable writing books in which to write. The supervisors shall place said slips in a box provided by the secretary of state, which shall be so constructed as to conceal them from view. Each applicant shall be required to draw one of said slips from the box

and read aloud the five lines printed thereon and to write one line printed on said slip and sign his name thereto, in full view and hearing of the supervisors. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by a supervisor before another drawing is made. No person failing to read the constitution as printed on the slip thus drawn, and to write as aforesaid, shall be registered as a voter. The supervisors shall keep said slips in said box at all times. The secretary of state shall upon request provide new slips and writing books to replace those used up, worn out, or lost.

SECT. 8. If the supervisors at any session holden for the correction of the check-list, on receiving satisfactory evidence that any person whose name is on the list is not a legal voter, shall neglect or refuse to erase such name from the list, or shall neglect or refuse to insert on the list the name of any person who is a legal voter, having satisfactory evidence thereof, or shall neglect or refuse to hear or examine any evidence offered for such purpose in either of the cases aforesaid, or shall at any time insert on the list the name of any person not a legal voter, knowing such to be the case, or shall knowingly erase therefrom or omit to insert the name of any legal voter, he shall be fined not more than fifty dollars for each offense.

SECT. 9. On the day of election, before opening the meeting, they shall subscribe and make oath to the following certificate on the back of the check-list, as corrected by them: We, the supervisors of the check-list of the town (or ward) of ———, do solemnly swear, that, according to our best knowledge, the within list contains the names of those per-

sons only who are, by actual residence, legal voters in said town (or ward). So help us God.

They shall file a true copy of the corrected list, attested by them, with the town clerk. Any person who swears falsely in making such certificate shall be guilty of perjury.

SECT. 10. The check-list, as corrected by the supervisors, shall be open for the examination of every citizen at all times before the opening of the meeting.

SECT. 11. The check-list shall be used in the election of moderator and supervisors, except moderator *pro tempore*.

SECT. 12. All persons whose names are entered upon the check-list as thus corrected shall be deemed to be legal voters in the town; and no person whose name is not upon the list shall be allowed to vote unless his name was left off by mistake, and his right to vote was clearly known to the supervisors before the check-list was originally posted.

SECT. 13. The supervisors shall be present at the opening of each town-meeting at which a check-list is to be used, and have with them the corrected check-list for that meeting, and shall remain in attendance upon the meeting until its close.

SECT. 14. The check-list used at any town meeting shall be preserved in the custody of the town clerk, for future reference.

(Chapter 57, Laws of 1901, Sect. 1.) Supervisors of towns and corresponding officers of cities shall, on or before January 1 succeeding each presidential election hereafter, send to the New Hampshire Historical Society and to the State Library each a copy of the check-list used in said presidential election duly and properly certified by such supervisors.

(Chapter 127, Laws of 1911.) SECTION 1. No supervisor of the check-list shall act as moderator, clerk or ballot inspector.

CHAPTER 34—CONDUCT OF ELECTIONS.

SECTION 1. A suitable box or boxes shall be provided by the selectmen, at the expense of the town, in which to receive the ballots of the voters.

SECT. 2. The full Christian and surname of every person voted for, with the initial letter or letters of the middle name, and the usual abbreviations for junior, second, third, and the like, shall be written or printed upon every ballot. Blank pieces of paper shall not be counted as ballots.

SECT. 3. Each voter shall deliver his ballot to the moderator in open meeting, and the moderator, on receiving the ballot, shall direct the town clerk to check the name of the voter on the check-list, and shall, without inspecting the name of any person voted for, examine the ballot so far only as to determine whether the same contains more than one ticket; if it does not, he shall place the ballot in the ballot-box; but if it does he shall make it manifest to the meeting and reject the same, unless the voter shall correct his ballot.

SECT. 4. In balloting for state and county officers, representative in congress, or electors of president and vice-president, the ballots for so many of said officers then to be voted for as the voters present may direct shall be given in on the same ticket, with the respective offices designated against the name of each person voted for.

SECT. 5. If several officers are to be voted for upon one ticket, no person shall be obliged

to vote for each. When more than one description of officers is voted for on the same ticket, any ticket which does not contain at least one vote for each description of officers shall be regarded as a blank as to the description of officers omitted.

SECT. 6. The moderator shall, in the meeting, in presence of the selectmen and town clerk, sort and count the votes, and make a public declaration of the whole number of tickets given in, with the name of every person voted for, and the number of votes for each person; and the town clerk shall make a fair record thereof at large in the books of the town.

SECT. 7. The selectmen and town clerk shall assist in sorting and counting the votes, but no other person shall in any manner interfere therewith.

SECT. 8. No ballot shall be received and counted after the votes have been declared.

SECT. 9. In determining the result of any election, the whole number of persons voting for any officer shall be first ascertained by counting the whole number of separate tickets given in; and no person shall be declared elected to any office who shall not have received a majority of the whole number of tickets given in for such office, except in cases in which it is otherwise specially provided.

SECT. 10. If a number of candidates greater than the requisite number shall severally receive a majority, a number equal to the requisite number, having the greatest excess over such majority, shall be declared elected. But if the number to be elected cannot be completed by reason of any two or more candidates having received an equal majority, and making one or more greater than the requisite number, the candidates having such equal majority shall be declared not to be elected.

SECT. 11. The town clerk shall have with him, in the meeting, during its continuance, all the laws in force relating to the subject of elections.

SECT. 12. The foregoing eleven sections shall be applicable so far as they do not conflict with the provisions of the preceding chapter.

(Chapter 8, Laws of 1911.) SECTION 1. At all biennial elections in towns the polls shall be opened not later than ten o'clock in the forenoon and shall not be closed earlier than three o'clock in the afternoon.

PRESERVATION OF BALLOTS.

SECT. 13. After the ballots given in for governor, councilors, senators, electors of president and vice-president, representative in congress, county officers, and those given in for representatives to the general court, at the ballotings upon which they were declared elected, have been counted and a declaration and record of the result made, the moderator, in the presence of the selectmen, shall place the ballots in a suitable envelope or other wrapper, and seal the package in a manner best calculated to prevent them from being removed or tampered with. The moderator and selectmen shall indorse and subscribe upon the outside of the package a certificate as follows: Inclosed are all the ballots given in at the election in the town of — (or, Ward —, in the city of —), on the — day of —, 18—, required by law to be preserved. Sealed up by the moderator in the presence of the selectmen. Signatures of moderator and selectmen.

The moderator shall deliver the same to the town clerk in the presence of the selectmen before the adjournment of the meeting; and

the town clerk, in their presence, shall make thereon and subscribe a minute of the day and hour when received. These provisions shall not apply to the wards of cities whose charters provide a different method for the preservation of ballots.

(1903, Ch. 30, Sect. 1.) Ward and town officers whose duties it is to receive and count ballots cast at biennial elections for United States, state and county officers and for supervisors of the check-list and moderator, shall immediately after the ballots are counted and sealed, deliver them thus sealed, to the city clerk, or town clerk or a representative designated by such clerk, who shall without breaking the seal or otherwise changing the condition of the package deposit the same in the office of such city or town clerk, who shall keep said ballots for a period of sixty days. If any person for whom a ballot was cast and recorded at any biennial election shall so request in writing within said sixty days the clerk having the custody of the ballots shall forthwith forward them to the secretary of state, who shall receive and preserve them until the next succeeding biennial election. All ballots remaining in possession of the town or city clerk shall be destroyed at the expiration of sixty days after an election.

INSPECTION OF BALLOTS.

(1897, Ch. 82, Sect. 2.) If any person for whom a vote was cast and recorded for any office at a biennial election, before the expiration of ninety days, shall apply in writing to the secretary of state for an inspection of the ballots given in for all persons for such office, and state in his application the names of the opposing candidates, the secretary of state shall appoint a time for the inspection

not earlier than fifteen days after the receipt of the application. Such inspection shall take place in the state house, and the secretary shall order the applicant to give notice thereof by giving to each of the opposing candidates, or leaving at his place of abode, a copy of the application and order of notice seven days at least prior to the day so appointed for inspection of the ballots. No other notice shall be required.

(1897, Ch. 82, Sect. 3.) At the time and place so appointed and notified, the secretary of state shall produce the ballots, and they shall be open to the inspection of the candidates and their counsel under such suitable rules as the secretary of state shall prescribe.

(1897, Ch. 82, Sect. 4.) The candidate petitioning for an inspection of the ballots shall pay the secretary of state a fee of three dollars in full for such service.

SECT. 17. Upon the conclusion of every inspection and every examination of ballots, the secretary shall place them, and all envelopes or wrappers which had previously contained them, in a new envelope or wrapper, and seal it, and indorse upon it a certificate showing the contents, and the date when and the reason why it was opened and examined, and shall retain it until the time fixed by law for its destruction arrives.

SECT. 18. Whoever shall willfully violate any of the provisions of the five sections next preceding shall be fined not exceeding five hundred dollars.

CHAPTER 3 -- LEGISLATIVE CONTESTS.

SECT. 4. Whenever any person intends to contest the election of a senator or a representative, he shall give to him a notice in writing of such contest, with the reasons

therefor, on or before the fifteenth day of December next following the election.

SECT. 5. In any case of contested elections, depositions may be taken as in civil causes.

SECT. 6. The magistrate taking depositions shall prepare captions therefor, shall seal up the same, and shall direct and transmit the package to the clerk of the senate or house, as the case may be, with a superscription stating the session at which and the case in which the depositions are to be used.

SECT. 7. In a contested election case the contestants shall not be entitled to a hearing unless their remonstrance or petition shall be presented to the senate or house before the second Wednesday of the first session thereof; but, for good cause shown, the senate or house may thereafter entertain the same.

SECT. 8. Neither party shall be entitled to have any evidence considered before the committee which is not in readiness to be submitted before the third Wednesday of the first session of the legislature; but, for good cause shown, such committee may receive and consider evidence subsequently offered.

SECT. 9. The party failing to sustain his right to a seat shall not be entitled to any compensation for his services, or for any expenses he may have incurred in the contest therefor; nor shall the contestants be entitled to any remuneration unless successful.

CHAPTER 37—ELECTION OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTION 1. Meetings for the choice of electors of president and vice-president shall be holden on the Tuesday next following the first Monday in November, in every fourth year, dating from the year eighteen hundred and eighty.

SECT. 2. The returns of votes for electors shall be made out, signed, certified, sealed, and directed, in the manner provided for the returns of votes for senator; and the town clerk shall transmit the same to the office of the secretary of state within five days from the date of such election.

SECT. 3. The secretary by whom such returns of votes shall be received shall forward by mail to the town clerks receipts therefor.

SECT. 4. The secretary shall, on the day following the last Wednesday but one of November, lay the returns of votes for electors of president and vice-president before the governor and council, to be by them examined and counted. The requisite number of persons who shall have the largest number of votes returned shall be declared duly chosen electors.

SECT. 5. The governor shall cause the several persons who may be chosen electors to be notified forthwith of their election, and request their attendance at the state house in Concord on the day fixed by the congress of the United States [second Monday in January] as the day on which electors shall give their votes for president and vice-president.

SECT. 6. The electors chosen shall meet at the state house in Concord on the day so fixed, and, by twelve o'clock at midday, give notice to the governor and council of the number of electors present who accept the office.

SECT. 7. If the requisite number of electors are not present or do not accept, or if the requisite number of electors shall not be chosen by reason of two or more persons having an equal number of votes, the electors present who do accept, in presence of the governor and council, shall forthwith choose by ballot the number wanting to complete the board.

SECT. 8. The electors shall give their votes

for president and vice-president of the United States, at Concord, on said day, and shall proceed therein according to law.

SECT. 9. They shall each receive three dollars a day during their session, and ten cents a mile for their travel to and from their place of meeting, and shall be allowed a reasonable sum, not to exceed twenty-five dollars, to pay for the services of a secretary.

CHAPTER 35—ELECTION OF GOVERNOR, COUNCILORS, AND SENATORS.

SECTION 1. The meetings in the several towns, for the election of governor, councilors, and senators, shall be holden on the Tuesday next following the first Monday in November, biennially, and at no other time, dating from the year eighteen hundred and seventy-eight.

SECT. 2. The town clerk shall make out a fair and exact copy of the record of all votes given in at any such meeting for governor, councilor, and senator upon distinct and separate pieces of paper; shall certify upon each copy that the same is a true copy of the record, seal such copies in separate packages, and, on or before the twentieth day of the same November, shall direct and forward the same to the secretary of state, with a superscription upon each expressing the purport thereof.

(1897, Ch. 24, Sect. 1.) The town and ward clerks of the several towns and wards in this state shall make a true and certified copy of the record of the votes given in at any election of electors of president and vice-president of the United States, representative in congress, governor, councilor, senator, and representative to the general court, and shall forward the same, in sealed packages, to the secretary of state within five days from the

date of such election. Section 2 of chapter 37, sections 4 and 7 of chapter 36, section 2 of chapter 35, and section 2 of chapter 38 of the Public Statutes are hereby amended in accordance with the terms of this act.

SECT. 3. The secretary, upon the receipt of any such copy, shall forward by mail to the town clerk a receipt therefor.

SECT. 4. Whenever any return of votes shall not have been received at the office of the secretary within the time prescribed by law, it shall be his duty immediately to notify the clerk of the town from which such return has not been received. Thereupon it shall be the duty of the delinquent town clerk forthwith to forward such return.

CHAPTER 36—ELECTION OF REPRESENTATIVES IN CONGRESS.

SECTION 1. The state is divided into two districts for the purpose of choosing representatives in the congress of the United States, and each district is entitled to elect one representative.

SECT. 3. Meetings for the choice of representatives in congress shall be holden in each district on the Tuesday next following the first Monday in November, biennially dating from the year eighteen hundred and seventy-eight.

SECT. 4. The meetings in the several towns in each district shall be warned and governed, and the returns of votes for representatives shall be made out, signed, certified, sealed, directed, transmitted, receipted for, examined, and counted, at the same time and in the same manner as provided for the return of votes for senators.

SECT. 5. Upon such examination and count, the person having the largest number

of votes returned in any district shall be declared duly elected; and the governor shall forthwith transmit to the person so elected a certificate of such election, under the seal of the state, signed by himself and countersigned by the secretary.

SECT. 6. If two or more persons, at any election of representatives to congress, shall, in any district, receive the largest and an equal number of votes, so that no choice is made, the governor, with advice of the council, shall cause precepts to be issued to the selectmen of the several towns within such district for another election, requiring them to warn meetings to be holden at the time specified in such precepts for the choice of a representative.

SECT. 7. The votes given at any such meeting shall be received, sorted, counted, declared, recorded, and certified, and the returns thereof made out, signed, certified, sealed, and directed, in the manner hereinbefore prescribed; and the clerk shall transmit the same to the office of the secretary of state within five days after such meeting.

SECT. 8. The secretary, as soon as may be, shall lay all such returns before the governor and council, and the votes shall be examined and counted, and the election of the person having the largest number of votes declared and certified, and the certificate thereof made out and transmitted in the manner hereinbefore directed.

SECT. 9. If upon such second balloting two or more persons shall have the largest and an equal number of votes in any district, so that no choice is made therein, the governor, with advice of the council, shall forthwith cause new precepts to be issued as aforesaid, directing another meeting to be warned and holden to fill such vacancy; and the same proceedings shall be again had as are herein-

before provided; and so from time to time, so long as may be necessary, until some one shall have the largest number of votes.

SECT. 10. If any vacancy in the representation in congress shall occur by death, resignation, or otherwise, the governor, with advice of the council, shall forthwith cause precepts to be issued to the selectmen of the towns within the district where the vacancy exists, for an election to fill such vacancy; and similar proceedings in all respects shall be had therein as are provided in the preceding sections of this chapter; and the ballotings in such districts shall be continued until some person shall have the largest number of votes given in and returned.

CHAPTER 25—ELECTION OF COUNTY OFFICERS.

SECTION 1. There shall be chosen at each biennial election, by ballot, by the inhabitants of the several towns in each county qualified to vote for senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate, and three county commissioners, each of whom shall take his office on the first day of the April next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified.

SECT. 2. No person is eligible to the office of sheriff, county solicitor, county treasurer, register of deeds, register of probate, county commissioner, or clerk of court, unless he is a resident of the county for which he is chosen. No person shall hold two of said offices at the same time, and the acceptance of one of them shall be a resignation of the others.

SECT. 3. (1897, Ch. 24, Sect. 2.) The town and ward clerks of the several towns and

wards of this state shall make a true and certified copy of the record of the votes given in at any election of county officers, and shall forward the same in sealed packages to the clerk of the supreme court of the county within five days from the date of such election. Section 4 of chapter 25 of the Public Statutes is hereby amended in accordance with the terms of this act.

SECT. 4. The town clerk shall put upon the outside of the sealed package containing the returns a superscription stating the nature of its contents, and send it to the clerk of the supreme court of the county on or before the thirtieth day of the same November.

SECT. 5. The several clerks of court shall have the returns present at the law term of the supreme court holden on the first Tuesday of December next following. The court shall examine, record, and count the same; and the person who has received the highest number of votes for each office shall be declared elected.

SECT. 6. If the candidates for either of such offices having the highest number of votes shall have an equal number, the court shall appoint one of the candidates to fill the office, who shall be declared duly elected.

(1893, Ch. 66, Sect. 1.) The supreme court at any trial term, or any justice thereof in vacation, may, on the application or petition of any candidate interested in a contest for any county office, find the facts relating to such contested election as well before the term of such office begins as after; and any question of law arising upon the facts thus found may be heard at any regular, adjourned, or special law term of the court, as the court shall direct; and the court shall issue a certificate of election to the candidate who is found by the court on such proceeding to be

elected, and the person receiving such certificate shall assume and discharge the duties of the office.

CHAPTER 38—ELECTION OF REPRESENTATIVES TO THE GENERAL COURT.

SECTION 1. Towns entitled to elect representatives to the general court may elect them at the biennial election holden on the Tuesday next following the first Monday of November, biennially, dating from the year eighteen hundred and seventy-eight, and if the election of the requisite number shall not be effected on that day, the meeting may be adjourned to, and the election of the number deficient be made on, the following day, but not afterwards.

SECT. 2. Certificates of election shall be made in duplicate, certified and signed in the same manner as the returns of votes for governor; one of them shall be delivered to the representative-elect, and the other shall be forwarded to the secretary of state within five days after the day on which the election is held, and the town clerk shall also certify that the check-list was duly posted and used during the balloting on which such representative was chosen, and to the number of voters whose names were upon the check-list as corrected on the day of such meeting.

SECT. 6. Whenever a vacancy shall exist in the representation of any town in the general court by reason of the death, resignation, or removal from town of the person who shall have been elected as such representative, the selectmen shall, without unnecessary delay, call a meeting of all persons in such town qualified to vote in the election of senators, at which a representative shall be elected as provided in article fifteen of the constitution.

SECT. 7. In case any town or any ward of a city in this state shall elect and send to the general court a representative when not authorized by law to do so, such town, or the city in which such ward is situated, shall forfeit and pay a fine of one thousand dollars, to be recovered by indictment for the use of the county in which such town or city is situated. The amount of any fine and costs paid by any city under the provisions of this section shall be assessed upon the property and inhabitants of the ward so electing and sending such representative.

CHAPTER 4.

SECTION 1. No person shall be eligible for election to any office of the legislature who has not been an inhabitant of the state for one year, at least, prior to such election.

SECT. 2. If any officer of the legislature removes from the state, the office shall thereupon become vacant.

SECT. 16. If a person shall attend a session of the legislature and vote therein as a representative from any town or city, knowing that, by reason of want of the requisite number of inhabitants in said town or in the ward of the city which he represents, he is not lawfully entitled to a seat in the house of representatives, or that he was not legally elected a representative of such town or ward, he shall be fined not exceeding two thousand dollars, or be imprisoned not exceeding two years.

CHAPTER 39—GENERAL PROVISIONS— PURITY OF ELECTIONS.

SECTION 1. If any town clerk shall neglect to make any return of votes for governor, councilor, senator, representative in congress, electors of president and vice-president, regis-

ter of deeds, county treasurer, county commissioner, supervisors, or moderator, or other state, town, or county officer, he shall be fined not exceeding five hundred dollars.

SECT. 2. The secretary of state or clerk of court, as the case may be, shall, within thirty days after any default in the return of votes, certify the same to the solicitor of the county, which certificate shall be *prima facie* evidence of such default; and the solicitor shall prosecute every person guilty of such default.

SECT. 3. If the clerk of any town shall make an incorrect or insufficient record or return of the votes given therein at any meeting for any officer, the officers by whom the votes are opened and counted may require such clerk, at his own expense, to come in and amend his record or return, according to the facts of the case.

SECT. 4. If any clerk shall neglect or refuse to appear and amend, he shall be fined not exceeding five hundred dollars.

SECT. 5. If the clerk of any town or place shall willfully and corruptly make a false record of any vote or other proceeding of any legal town meeting, or any false copy of any record, or any false certificate or return of votes, he shall be imprisoned not exceeding five years.

SECT. 6. If any person shall be guilty of an offense against any provision of the laws relating to elections for which no penalty is specified, he shall be fined not exceeding thirty dollars.

SECT. 7. If any person shall willfully assault a town, city, or ward officer in the discharge of any duty of his office at any election, or take away, injure, or destroy the ballot-box or check-list when in use at any election, he shall be fined not exceeding three

hundred dollars, or be imprisoned not exceeding three years.

SECT. 8. If any person, at a meeting for the choice of officers, shall give in more than one vote for any officer voted for at such meeting; or if any person under the age of twenty-one years, or an alien not naturalized, or any person who is not a legal voter, shall give in a vote for any officer at such meeting; or if any person, being under examination as to his qualifications as a voter before the board of supervisors, shall give any false name or answer,—he shall be fined not exceeding thirty dollars for each offense, or be imprisoned not exceeding three months.

SECT. 9. If any moderator, supervisor, or selectman, at any meeting, shall fraudulently receive and count any illegal vote, omit to receive and count any legal vote, or shall fraudulently embezzle any vote from the number of legal votes cast, or add any vote thereto, or shall receive or count any vote given at such meeting by proxy, and without the personal delivery of such vote by the person entitled to give the same, or shall fraudulently declare the state of the vote in the election of any officer, he shall, for each offense, be fined not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both.

SECT. 10. If any person shall directly or indirectly give spirituous liquor to a voter, at any time, with a view to influence any election, or as a treat for his vote, or for the honors bestowed on any candidate at such election, he shall be fined not exceeding twenty dollars for each offense.

SECT. 11. If any person shall directly or indirectly hire, procure, induce, or in any way influence or attempt to hire, procure, induce, or in any way influence, by payment, promises, offers of emolument, offers of re-

ward of any kind, loans of money or other thing, threats or intimidations, any voter to stay away from any town meeting, or to avoid voting at any town meeting or to vote at any town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at any election, the abatement of his taxes, or to be excused from paying taxes, such person shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months.

SECT. 12. If any person shall directly or indirectly contribute or furnish, or promise to contribute or furnish, any money, goods, chattels, or other thing whatsoever to be used to induce any voter to stay away from any town meeting, or to avoid voting at any town meeting, or to vote at any town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at any election, the abatement of his taxes, or to be excused from paying taxes, such person shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months.

SECT. 13. One half of the fines imposed for the violation of the provisions of the two preceding sections shall go to the prosecutor, and the other half to the county.

SECT. 14. Any person who shall without authority, sign the name of any other person to any letter or other document, or falsely represent that any other person has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year.

SECT. 15. Any person publishing any such forged letter or document, knowing the same

to be forged, with like intent, shall be fined not exceeding one thousand dollars.

SECT. 16. Any voter, at any town-meeting, may challenge any other voter offering to vote at such meeting, and the moderator shall not receive the vote of the person so challenged until he shall subscribe, make, and tender to the town clerk or moderator an affidavit in form and substance as follows: I, ———, solemnly swear that I have not, directly or indirectly, hired, procured, induced, or in any way influenced, or attempted to hire, procure, induce, or in any way influence, by payment, promises, offers of emolument, offers of reward of any kind, loans of money or other thing, threats, or intimidation, any voter to stay away from this town-meeting, or to avoid voting at this town-meeting, or to vote at this town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at this town meeting, abatement of his taxes, or to be excused from paying his taxes; nor have I, directly or indirectly, contributed or furnished, or promised to contribute or furnish, any money, goods, or chattels, or any other thing whatsoever, to be used to induce any voter to stay away from this town meeting, or to avoid voting at this town meeting, or to vote at this town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at this town meeting the abatement of his taxes, or to be excused from paying taxes; nor have I, either directly or indirectly, been hired or procured, or in any way influenced, by payment, promises, offers of emolument, offers of reward of any kind, loans of money or other things, threats, or intimidation, to vote at this town meeting for or against any particular ticket or candidate for office; but the vote I

now offer to cast, and the votes I propose to offer to cast, at this town meeting, are in accordance with my solemn convictions of duty to my country, uninfluenced by any payment, promises, offers of emolument, offers of reward of any kind, loans of money or other thing, threats, or intimidation whatsoever. *So help me God.*

SECT. 17. In case any voter so challenged shall not make and subscribe such affidavit, he shall be denied the right of voting at such town meeting, and any moderator who shall receive the vote of a voter so challenged and not making and subscribing such affidavit, shall be fined not exceeding one hundred dollars.

SECT. 18. The affidavit may be sworn to before any person authorized by law to administer oaths, or before the moderator, town clerk, or any one of the selectmen or supervisors. Any person who shall swear falsely in making such affidavit shall be deemed guilty of perjury, and be punished accordingly.

SECT. 19. The town clerk of each town shall have with him, at every town meeting, blanks for making affidavits as required by section sixteen of this chapter, and shall furnish the same to any voter on request therefor. He shall record in the record of the meeting the names of all voters making such affidavits, and shall keep the affidavits on file.

SECT. 20. On the day of any town or ward meeting, or within thirty days thereafter, any five voters may make written complaint to any justice of the peace, or police judge, stating only that in their belief the law against bribery in elections has been violated in connection with such town or ward meeting, and asking for an inquiry concerning such violation, and naming the witnesses whom they desire to have examined, and there-

upon such justice or judge shall immediately proceed to make such inquiry; and for that purpose he may issue his subpœna, or compulsory process, if necessary, to the witnesses named, and to any others, and may examine them in the same manner as he might upon a complaint in a criminal proceeding before him; and the powers, duties, and liabilities of the justice, judge, and witnesses shall be the same as in such case.

SECT. 21. Such justice or judge may allow the complainants, or either of them, or any person who may seem to be accused, to appear before him, personally or by counsel, and to interrogate the witnesses; and he shall take brief notes of the testimony, and may also, if he shall deem it necessary, reduce the testimony of any witness to writing, and cause him to sign the same, and shall close the inquiry within thirty days from the date of the complaint, and make a record of the proceedings, and shall transmit such record, and the testimony so taken by him, at once to the solicitor of the county.

SECT. 22. If any such inquiry shall disclose any violation of sections eleven and twelve of this chapter it shall be the duty of the solicitor to cause due complaint to be made, and the person offending to be apprehended and committed to jail, or bound over, with sufficient sureties, to the next term of the supreme court.

SECT. 23. It shall be the duty of the selectmen to post or cause to be posted, in some conspicuous place where the town meeting is held, a copy of sections sixteen to twenty-three, inclusive, of this chapter.

SECT. 24. The Tuesday next following the first Monday of November in the year eighteen hundred and ninety-two and in every alternate year thereafter, being biennial election days, shall be holidays.

CHAPTER 99, LAWS OF 1911.

AN ACT to prohibit Bribery at Elections and to Exclude Persons Convicted thereof from Holding Civil Office and from Exercising the Right of Suffrage.

SECTION 1. Any person guilty of offering, giving, or accepting a bribe, or of aiding or abetting bribery, or of attempting or conspiring to bribe, with intent to influence the vote of any person at any election, caucus, convention, or primary election shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not less than thirty nor more than ninety days, for each offense.

SECT. 2. Any person convicted under the provisions of the foregoing section shall thereafter be forever disqualified from holding any civil office in this state and from exercising the right of suffrage for a period of five years.

SECT. 3. No witness in any proceeding under this act or in any proceeding for violation of the election laws shall be excused from giving his testimony upon the ground that such testimony would incriminate him, but no such testimony shall be used against such witness at any time or in any prosecution. And any person who voluntarily discloses the facts to the proper authorities, and procures a conviction in any such proceeding, shall not be prosecuted for his connection with the bribery or attempted bribery.

SECT. 4. All acts and parts of acts, so far as they are inconsistent herewith, are hereby repealed, and this act shall take effect upon its passage.

Approved April 6, 1911.

CHAPTER 41—WARNING TOWN MEETINGS.

SECTION 1. A meeting of every town shall be holden annually on the second Tuesday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor.

SECT. 2. The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting. The subject-matter of all business to be there acted upon shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated.

SECT. 3. The selectmen, upon the written application of ten or more voters, or one sixth of the voters in town, shall insert in their warrant for the biennial, annual, or any other meeting, any subject specified in such application, or shall warn a meeting therefor, if requested in such application.

SECT. 4. The selectmen may address their warrant to the inhabitants of the town qualified to vote in town affairs, in which case they shall post an attested copy of such warrant at the place of meeting, and a like copy at one other public place in the town, fourteen days before the day of meeting.

SECT. 5. Warrants for town meetings may be directed to a constable of the town, requiring him to notify the inhabitants; and such constable shall post an attested copy of such warrant, as provided in the preceding section.

SECT. 6. Any town may, by vote, prescribe a different method of warning meetings; and

the meetings warned in pursuance of such vote shall be legal and valid.

SECT. 7. The selectmen or the constable serving any warrant shall return the same, at the time and place of meeting, with a certificate of the service thereof, to the town clerk; or, in his absence, to one of the supervisors.

SECT. 8. In case of the death or removal of any of the selectmen of a town, the major part of those who remain in office shall have power to warn meetings.

SECT. 9. If the selectmen unreasonably neglect or refuse to warn a meeting, or to insert any article in their warrant, a justice of the peace, upon application in writing of ten or more voters, or of one-sixth part of the voters of such town, may issue a warrant for such meeting.

SECT. 10. If the biennial or annual meeting in any town shall not have been held, or if there has never been any legal meeting of the town, or if, by reason of death, removal from the town, disability, or resignation of the board of selectmen, no member of the board remains in office, a justice of the peace, on application of ten voters, or of one-sixth part of the voters of the town, may issue a warrant for such meeting.

SECT. 11. The warrant of a justice of the peace for a town meeting shall be under his hand, directed to a constable of the town, if any there be, otherwise to one of the voters applying; shall specify the time, place, and object of such meeting, and shall be served and returned in the same manner as warrants issued by selectmen.

SECT. 12. If selectmen neglect to issue a warrant for the holding of any meeting for the choice of state, county, or town officers, electors of president and vice-president of the United States, and representatives in congress,

or neglect to cause copies of such warrant, if not directed to a constable, to be duly posted, or notice of such meeting to be given, agreeably to any vote of the town, they shall for each offense be fined fifty dollars, for the use of the town.

CHAPTER 42—GOVERNMENT OF TOWN MEETINGS.

SECTION 1. At the biennial election to be holden in November, eighteen hundred and ninety-two, and at every biennial election thereafter, a moderator shall be chosen by ballot, by a plurality of votes, who shall hold office from the close of the meeting at which he is chosen until the close of the meeting at the next succeeding biennial election.

(1903, Ch. 64, Sect. 2.) In case of vacancy in the office, a moderator shall be appointed by the board of supervisors of check-lists of said town or ward where such board exists or by the selectmen of said town or ward where there is no board of supervisors of check-lists.

SECT. 3. If the moderator is absent from any meeting or be unable to perform his duties a moderator *pro tempore* shall be appointed as provided in section 2.

SECT. 4. Whenever there is a vacancy in the office, or the moderator is absent from a meeting, or is unable to perform his duties, the chairman of the board of supervisors, or, in his absence, one of the other members of the board, in the order of their election, or, if no supervisor is present, the town clerk shall preside until a moderator is chosen and shall have the powers and perform the duties of moderator.

SECT. 5. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public

declaration of every vote passed, and may prescribe rules of proceeding, but such rules may be altered by the town.

SECT. 6. When any vote, other than by ballot, declared by the moderator or other officer presiding, shall immediately, and before any other business is begun, be questioned by seven or more of the voters present, the moderator or other officer presiding shall make the vote certain by a poll of the voters.

SECT. 7. If any moderator or other officer presiding shall wilfully neglect or refuse to make any vote certain by a poll of the voters, when required as aforesaid, or shall wilfully violate or neglect to enforce any rule of proceeding which shall have been established by vote of the town or otherwise, he shall, for each offense, be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months.

CHAPTER 43—TOWN OFFICERS.

SECTION 1. Every town, at the annual meeting, shall choose by ballot and by major vote, a town clerk, who shall record all votes passed by the town while he remains in office, and discharge all the duties of the office according to law.

SECT. 5. Every town at the annual meeting, shall choose, by ballot and by major vote, three selectmen, who shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent to act in all cases.

SECT. 6. Any town may choose assessors, by ballot and by major vote, who shall constitute, with the selectmen, a joint board for the assessment of taxes; and all questions arising at such board shall be decided by major vote of the members thereof.

SECT. 17. Every town, at the annual meeting, shall choose a treasurer by ballot and by major vote.

CHAPTER 46—CITY AND WARD OFFICERS.

SECTION 4. Each ward into which a city may be divided by law, or in pursuance of law, shall be a town for the purpose of the election of governor, councilor, senator, representative to the general court, all county officers, representative in congress, and electors of president and vice-president of the United States, and in all matters relating to jurors.

SECT. 5. The qualifications of voters in such wards shall be the same as in towns, and check-lists of voters shall be prepared and used in all elections there, as in towns.

SECT. 8. In all elections by the voters in their wards, the polls shall be opened at nine o'clock in the forenoon of the day of election, and shall be kept open until three o'clock and not later than six o'clock in the afternoon, as the meeting shall direct, and but one balloting shall be had during the day for each officer to be voted for; but this section shall not apply to special elections, called to fill vacancies in any ward office.

SECT. 9. In all elections of city and ward officers, the person having the highest number of votes for any office shall be elected; and if a number of persons greater than the number to be chosen shall severally receive the largest and an equal number of votes, so that no choice is made, the balloting shall be continued till the requisite number of persons shall be chosen; but no balloting shall be begun between sunset and sunrise.

SECT. 10. The ward clerk shall record the votes and proceedings of all ward meetings,

shall enter upon the record the names of all persons voted for, and the number of votes given for each, in words, at length; and shall, within seven days after any meeting of the ward, deliver to the clerk of the city in which the ward is situated a certified copy of the record of the meeting, which copy shall be preserved as a part of the records of the city. He shall receive for such copy the sum of one dollar.

CHAPTER 47.

SECTION 1. The qualified voters in each ward, at the meeting for the choice of city and ward officers, shall give in to the moderator their votes for a mayor of the city, which shall be received, sorted, counted, and declared, and a record thereof made in the same manner as votes for senators; and a copy of the record, certified by the moderator, a majority of the selectmen, and the ward clerk, shall be delivered by the ward clerk to the city clerk within twenty-four hours after the meeting.

CHAPTER 48.

SECTION 1. There shall be chosen in each ward, at the regular meeting thereof, by ballot and by plurality of votes, so many aldermen and common councilmen as shall be authorized by law or ordinance. If the choice of aldermen, common councilmen, and ward officers cannot be conveniently completed on that day, the meeting may be adjourned from day to day to complete the choice.

SECT. 2. The clerk shall, within twenty-four hours after such choice, deliver to each person chosen alderman or common councilman a certified copy of the record of his election, signed by himself, the moderator, and a majority of the selectmen.

CHAPTER 238—NATURALIZATION.

SECTION 1. The superior court shall have and entertain jurisdiction of applications and other proceedings for the naturalization of aliens under any of the acts of congress in relation thereto.

VOTE ON LICENSE.

LAWS OF 1903, CHAPTER 95.

SECTION 31. From and after the third Tuesday of May, 1903, it shall be lawful to engage in the traffic in liquor, under the terms of this act, in all cities and towns in the state as shall have accepted by a majority vote of its legal voters present and voting the provisions of this act as herein provided. The officers of every city or town whose duty it is to call a special meeting of the legal voters of their respective cities or towns shall call a meeting according to the statutes made and provided, on the second Tuesday of May next, at which special meeting and at each biennial election thereafter in November in the towns and in the cities at the biennial election in 1906 and every fourth year thereafter the sense of the voters shall be taken by secret ballot upon the following question: "Shall licenses for the sale of liquor be granted in this city or town under the provisions of 'An act to regulate the traffic in intoxicating liquor' passed at the January session of the general court, 1903?" If a majority of the qualified voters in any city or town present and voting at said town or city election, shall vote in the affirmative on said question, the clerk of the city or town shall immediately certify that fact to the state board of license commissioners, who shall forthwith issue licenses under the provisions of this act to be exercised in such city or town. In case a majority of the qual-

ified voters of a city or town present and voting at such elections shall vote in the negative on said question the clerk of the city or town shall immediately certify that fact to the state board of license commissioners and in such city or town the provisions of chapter 112, Public Statutes, and all amendments thereto shall remain in full force and effect. Except that the state board of license commissioners may issue licenses of the first, fifth and sixth classes in their discretion to be exercised in such city or town under the provisions of this act. On petition of ten or more legal voters in any city or town, presented to the secretary of state within sixty days from the date of said election, said secretary of state shall make an order on said petition, fixing the time and place for a recount of the vote on the license question, as prayed for in said petition, and directing the petitioners to cause said petition and order thereon to be published in some newspaper published in the town or city, (if there be one,) seven days at least before the day of hearing, and if no newspaper be published in said city or town, then to cause copies of said petition and order to be posted in six public places in said city or town, at least seven days before said date of recount; and on the day and at the time set said secretary of state shall publicly recount said license vote, and shall certify the state of the vote as shown by the recount, forthwith to the state board of license commissioners.

CHAPTER 106, LAWS OF 1911.

AN ACT in relation to Political Advertising in Newspapers.

SECTION 1. No person shall publish or cause to be published in a newspaper or other periodical, either in its advertising or reading

columns, any paid matter which is designed or tends to aid, injure or defeat any candidate for public office, or a constitutional amendment or any other question submitted to the voters, unless the name of the chairman or secretary, or the names of two officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in the nature of a signature. Such matter inserted in reading columns shall be preceded or followed by the word Advertisement in a separate line, in type set smaller than that of the body type of the newspaper or other periodical.

SECT. 2. Any person who violates, or in any way knowingly aids or abets the violation of any provisions of this act, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days.

Approved April 6, 1911.

CHAPTER 113, LAWS OF 1911.

AN ACT prohibiting Campaign Contributions by Corporations.

SECTION 1. No corporation, incorporated under the laws of or doing business in this state and no officer, director, agent or employee of and acting in behalf of such corporation shall pay or contribute or authorize or direct to be paid or contributed any sum of money or any check, draft, note or other article of value, to any political party, committee or to any individual or corporation for the purpose or with the intention of having such money or any part thereof or such check, draft, note or other article of value or any part thereof expended or used for the pur-

pose of aiding or promoting, or of preventing or opposing the nomination or election of any person to public office established by or under the authority of the constitution or laws of this state or of the United States, or expended or used for the purpose of promoting or antagonizing the interests of any political party.

SECT. 2. No person shall solicit or receive the payment of any sum of money or the delivery of any check, draft, note or other article of value for the purposes specified in the preceding paragraph, from any corporation incorporated under the laws of or doing business in this state or from any officer, director, agent, or employee of such corporation and on its behalf.

SECT. 3. Any corporation violating any of the provisions of this act shall be punished by a fine of not exceeding three thousand dollars for each offense; and any individual violating any of the provisions of this act shall be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding six months.

SECT. 4. This act shall take effect upon its passage.

Approved April 6, 1911.

CHAPTER 101, LAWS OF 1911.

AN ACT to provide for Publicity of Campaign Receipts and Expenditures by Political Committees and Candidates.

SECTION 1. The term political committee under the provisions of this act shall apply to every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election or the success or defeat of any measure voted on at a public election or shall aid or take part in the nom-

ination, election, or defeat of any candidate for public office. Every political committee shall have a treasurer who shall be a citizen of this state and whose duty it shall be to receive and expend all its money.

SECT. 2. The state committee of every political party shall file, on the third day preceding the election, with the secretary of state and also publish in two daily newspapers in this state, an itemized statement, signed and sworn to by its chairman and treasurer, showing in detail all its receipts and expenditures, with the names of the various persons by whom they were made and the respective amounts thereof, and the names of various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said election another itemized statement, signed and sworn to by the same officers, shall be likewise filed and published, covering in like manner all receipts and expenditures subsequent to the first statement.

SECT. 3. Every other political committee shall, within fifteen days after the election, file with the secretary of state and with the town or city clerk for the town or city where the treasurer resides, an itemized statement, signed and sworn to by the chairman and treasurer, of all its receipts and expenditures, if the total amount exceeds one hundred dollars, showing the names of the various persons by whom they were made and the respective amounts thereof and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Where the amount does not exceed one hundred dollars, a statement to that effect, signed and sworn to by the chairman and treasurer, shall be filed with the same officials and within the same

time as that specified for the itemized statement above described.

SECT. 4. Every candidate at the primary or general election for governor or representative to congress shall, on the third day preceding said primary or election, file with the secretary of state and also publish in two daily newspapers of this state, an itemized sworn statement of all his receipts and expenditures, in aid of his nomination or election, showing in detail the names of the various persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said primary or election a similar sworn itemized statement shall be likewise filed and published, showing in like manner all receipts and expenditures subsequent to the first statement.

SECT. 5. Every candidate for United States senator shall, on the third day preceding the day upon which such senator is to be chosen, file with the secretary of state and also publish in two daily newspapers of this state a sworn itemized statement of all his receipts and expenditures in aid of his election, showing in detail the names of the persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said election a similar sworn itemized statement shall be likewise filed and published, showing in like manner all receipts and expenditures subsequent to the first statement.

SECT. 6. Every candidate at the primary or general election for councilor, state senator,

or representative to the general court, who has expended a sum in excess of twenty-five dollars, shall within fifteen days after said primary or general election file with the secretary of state and with the town or city clerk for the town or city in which he resides an itemized sworn statement of all his receipts and expenditures in aid of his nomination, showing in detail the names of the various persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. All such statements shall be open to public inspection.

SECT. 7. Any person who violates the foregoing provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not less than thirty nor more than ninety days, nor shall he be entitled to the nomination or election until said sworn itemized statement is filed and published as hereinbefore required.

SECT. 8. No person not a candidate for nomination at the primary or election shall contribute, expend or promise to contribute or expend any money or thing of value, in aid of the nomination or defeat of any candidate at the primary or election, or in aid of the success or defeat of any political party or principle, or in aid of the success or defeat of any measure to be voted on at any election, unless contributed directly to some candidate at the primary or election, or some political committee of this state.

SECT. 9. Any person violating the provisions of section 8 of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred nor less

than one hundred dollars and be imprisoned in the county jail not more than ninety nor less than thirty days.

SECT. 10. This act shall take effect upon its passage.

Approved April 6, 1911.

THE CAUCUS LAW.

CHAPTER 93, LAWS OF 1905.

AN ACT in Relation to Political Caucuses and Conventions.

SECTION 1. All town and ward caucuses shall be called by a notice posted in five conspicuous places in the town or ward, one of which places shall be the postoffice, if there is one in said town or ward, and published in some newspaper, if there be any, published in the town or city, ten days or more before the day of the caucus.

SECT. 2. Said notice shall specify the place and the day and hour of meeting, and shall further state the time during which the polls shall be open for the reception of ballots, which at caucuses for the election of delegates to conventions shall be fixed by the executive committee of the party in the town or ward holding the caucus, but in no case shall the time during which the polls shall be open be less than one hour. At all other caucuses the time shall be, in towns and wards having not more than two thousand inhabitants according to the last preceding national census, not less than two hours, and in towns and wards having more than two thousand inhabitants according to such census, not less than three hours.

SECT. 3. All nominations and elections at any caucus shall be by ballot, and in balloting a check-list shall invariably be used; a plu-

rality shall in every case be sufficient to nominate or elect.

SECT. 4. The check-list for use at any caucus shall be prepared by the local executive committee of the party holding said caucus. Notice of the times and places where the executive committee will attend for the purpose of receiving evidence and suggestions as to the make-up of the check-list, shall be given in the same manner as notice of the caucus is required to be given. No man shall be allowed to vote in the caucus unless his name is on the said check-list. No name shall be placed on the check-list after the hour for the opening of the caucus has arrived except the name of a person whose right to vote in the caucus is well known to the executive committee.

SECT. 5. The local executive committee of the party holding the caucus shall have full power to regulate the form, size, and character of the ballots to be used, and also to regulate the manner of conducting the caucus, in any way consistent with the provisions of this act.

SECT. 6. No person shall vote in any caucus unless his name is on the check-list used by said caucus, or upon the name of any other person, and no person shall vote in the caucus of more than one political party, or having voted in the caucus of a political party sign the nomination papers of any other political party.

SECT. 7. No person shall vote in any caucus unless he intends to support the ticket of the party holding the caucus at the next ensuing election. When the right of any person to vote in a caucus is challenged he shall stand aside and subscribe to the following oath or affirmation before his vote shall be received:

I, ———, do solemnly swear (or affirm) that I am a legal voter in ———, and that I intend to vote the ticket of the party holding this caucus at the next ensuing election.

Any person who shall violate any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days. Any person who shall swear falsely in regard to the provisions of this act shall be guilty of perjury and punished accordingly.

SECT. 8. The presiding officer of every caucus shall, within forty-eight hours after the close of said caucus, file with the clerk of the city or town in which such caucus was held, the check-list used in said caucus, and the said clerk shall keep the same for the full period of two calendar months thereafter, in his office, open to the inspection of every citizen of such city or town, and shall not make nor permit to be made upon such check-list any mark whatever.

SECT. 9. In filing nominations with the secretary of state the presiding officer of the caucus shall certify that the caucus was called and conducted according to the provisions of this act. If nominations are not accompanied by such certificate they shall not be placed upon the official ballot.

SECT. 10. This act shall be in force in all cities of twelve thousand inhabitants and towns of forty-five hundred inhabitants, and in such other cities and towns of the state as shall by majority vote of the voters at an annual or biennial meeting adopt the same.

SECT. 11. This act shall take effect upon its passage, and chapter 105 of the Laws of 1901 as amended by chapter 40 of the Laws of 1903 is hereby repealed.

Approved March 10, 1905.

Amendment approved April 5, 1907.

Constitutional Provisions.

BILL OF RIGHTS. ART. 11. All elections ought to be free; and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office; but no person shall have the right to vote, or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and to write, *provided, however*, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on the first day of January, A. D. 1904.

CONSTITUTION—PART SECOND.

HOUSE OF REPRESENTATIVES. ART. 9. There shall be, in the legislature of the state, a representation of the people, biennially elected, and founded upon the principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative. *Provided*, that no town shall be divided or the boundaries of the wards of any city so altered

as to increase the number of representatives to which such town or city may be entitled by the next preceding census; and *provided further*, that to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court, in session next before these amendments shall take effect, shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town, place, or city ward shall have less than six hundred inhabitants, the general court shall authorize such town, place, or ward to elect and send to the general court a representative such proportionate part of the time as the number of its inhabitants shall bear to six hundred; but the general court shall not authorize any such town, place, or ward to elect and send such representative, except as herein provided.

ART. 11. The members of the house of representatives shall be chosen biennially, in the month of November, and shall be the second branch of the legislature.

ART. 12. All persons qualified to vote in the election of senators shall be entitled to vote, within the district where they dwell, in the choice of representatives.

SENATE. ART. 24. The senate shall consist of twenty-four members, who shall hold their office for two years from the first Wednesday of January next ensuing their election.

ART. 25. And, that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into twenty-four districts, as nearly equal as may be without dividing towns and unincor-

porated places; and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

ART. 26. The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall, biennially, give in their votes for a senator at some meeting holden in the month of November.

ART. 27. The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz.: every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish wherein he dwells, for the senator in the district whereof he is a member.

ART. 28. *Provided, nevertheless,* that no person shall be capable of being elected a senator who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and, at the time thereof, he shall be an inhabitant of the district for which he shall be chosen.

ART. 29. And every person qualified as the constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation where he dwelleth and hath his home.

VOTING—RECORD AND RETURN.

ART. 31. The meetings for the choice of governor, council, and senators, shall be warned by warrant from the selectmen, and governed by a moderator who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting, receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for and the number of votes for each person; and the town clerk shall make a fair record of the same, at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which said town or parish shall lie thirty days, at least, before the first Wednesday of January, or to the secretary of the state at least twenty days before the said first Wednesday of January; and the sheriff of each county or his deputy shall deliver all such certificates by him received into the secretary's office at least twenty days before the first Wednesday of January.

GOVERNOR'S ELECTION.

ART. 41. The governor shall be chosen biennially, in the month of November, and the votes for governor shall be received, sorted, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives on the first

Wednesday of January, to be by them examined; and, in case of an election by a majority of votes through the state, the choice shall be by them declared and published; and the qualifications of electors of the governor shall be the same as those for senators; and, if no person shall have a majority of votes, the senate and house of representatives shall, by a joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years.

COUNCIL.

ART. 59. There shall be biennially elected by ballot five councilors, for advising the governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall, some time in the month of November, give in their votes for one councilor, which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday of January.

ART. 60. And the person having a majority of votes in any county shall be considered as duly elected a councilor; but, if no person shall have a majority of votes in any county the senate and house of representatives shall take the names of the two persons who have the highest number of votes, in each county and not elected, and out of those two shall elect, by joint ballot, the councilor wanted for

such county; and the qualifications for councilors shall be the same as for senator.

ART. 61. If any person thus chosen a councilor shall be elected governor or member of either branch of the legislature and shall accept the trust, or if any person elected a councilor shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen: and the choice shall be in the same manner as before directed; and the governor shall have full power and authority to convene the council, from time to time, at his discretion; and, with them or the majority of them, may and shall, from time to time, hold a council for ordering and directing the affairs of this state, according to the laws of the land.

COUNTY OFFICERS.

ART. 70. The county treasurers, registers of probate, solicitors, sheriffs, and registers of deeds shall be elected by the inhabitants of the several towns in the several counties in the state, according to the method now practiced and the laws of the state: *provided, nevertheless*, the legislature shall have authority to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

ART. 93. No person shall be capable of exercising at the same time more than one of the following offices in this state, viz.: judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior

courts, military offices and offices of justices of the peace excepted.

ART. 94. No person holding the office of judge of any court (except special judges), secretary, treasurer of the state, attorney-general, commissary general, military officers receiving pay from the continent or this state (excepting officers of the militia occasionally called forth on an emergency), register of deeds, sheriffs, or officers of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate or house of representatives or council; but his being chosen and appointed to and accepting the same shall operate as a resignation of his seat in the chair, senate, or house of representatives, or council, and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

ART. 95. No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government, who in the due course of law, has been convicted of bribery or corruption in obtaining an election or appointment.

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